

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

PUBLIC SERVANTS - A.P. State Housing Corporation Limited - Visakhapatnam District - Sri G.V.Ranga Rao, Assistant Engineer (Removed) - Appeal filed against his removal - Admitted - Modification of punishment - Orders - Issued.

HOUSING (VIG.CELL) DEPARTMENT

G.O.Ms.No.25

Dated 16th October, 2009

Read the following:-

1. Appeal dated 12.07.2009 of Sri G.V.Ranga Rao, A.E. (Removed), Visakhapatnam District.
2. Govt. Letter No.2109/Vig.Cell/A1/2009-1, Housing (Vig.Cell) Department, dated 23.07.2009.
3. From the M.D., A.P.S.H.C.L., Hyderabad Letter No. Rc.No. Vig.1/8434/SKLM/2008, dated 04.08.2009.

ORDER:

In the appeal first read above, Sri G.V.Ranga Rao, A.E. (Removed), A.P. State Housing Corporation Limited, Visakhapatnam District, formerly at Vangara Mandal, Srikakulam District has submitted appeal petition stating that he was awarded with a punishment of removal from service apart from recovery of Rs.49,620/- by the Managing Director, A.P. State Housing Corporation Limited, Hyderabad vide his Proc.Rc.No.Vig-1/8434/SKLM/2008, dated 12.06.2009. He has stated among other things that the four houses alleged to be ineligible houses and that payments were processed even prior to the recommendation of the Mandal Housing Officer is not correct as the said houses jointly enquired by him and MHO on 22.05.2008 itself and the MHO orally suggested to release the payments without causing any hindrance to the beneficiaries and subsequently approved the said list and might have inadvertently noted the date as 26.07.2008 but none of the houses were objected by the MHO. as ineligible. He has requested to examine all the aspects and ordered to be set aside the proceedings issued by the M.D., A.P.S.H.C.L., Hyderabad vide Rc.No.Vig-1/8434/SKLM/2008, dt.12.06.2009.

2. In the letter 3rd read above, the Managing Director, A.P. State Housing Corporation Limited, Hyderabad, who has been consulted in the matter, has stated that based on the reports of the Deputy Executive Engineer, A.P.S.H.C.L., Veeraghattam Sub-Division, Srikakulam District and the R.D.O., Palakonda Division Srikakulam District, departmental proceedings were initiated against Sri G.V.Ranga Rao, former A.E., Vangara Mandal by issuing articles of charges and he submitted his explanation to the charges on 24.09.2008. That the Executive Engineer, A.P.S.H.C.L., Srikakulam was appointed as Enquiry Officer on 01.01.2008 to conduct regular enquiry into the charges framed against him. That the Enquiry Officer after conducting enquiry submitted his report, holding that the charges are proved. That after following due procedure as required under rules and having considered all aspects of the case and the defence of the Charged Officer, he has come to a conclusion that there is firm and incontrovertible evidence to prove that the Accused Officer Sri G.V. Ranga Rao, A.E. is guilty of committing the offence in having made wrong payments to (4) beneficiaries of old pucca houses to a tune of Rs.49,620/- without recommendation of Mandal Housing Officer. Accordingly, he has issued orders awarding a punishment of removal from service besides recovery of Rs.49,620/- under clause (ix) of Rule-9 of A.P. Civil Services (CC&A) Rules, 1991 vide his proceedings No.Vig.1/8434/SKLM/2008, dated 12.06.2009. That aggrieved by the punishment awarded, the individual filed an appeal petition to the Board for re-examination and to set-aside the same. That the Board in its meeting held on 06.07.2009, resolved to reject the appeal petition.

3. Government after careful examination of the entire matter observed that the first payments to the beneficiaries made in 2006 i.e., by the predecessor of the Accused Officer for different levels and as per the findings of the Enquiry Officer, the A.O. has released the payments on 28.06.2008, 12.07.2008, 13.07.2008 and 12.07.2008. The Mandal Housing Officer has recommended to release the payments to all the 9 beneficiaries on 26.07.2008 and it is apparent that the A.O. has released the amounts not much before the recommendations of the M.H.O. and the M.H.O. has not rejected the payments to any beneficiary. That means the contention of the A.O. that he had been orally suggested by the M.H.O. is seems to be

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acceptable. Moreover, the A.O. was holding additional charge and the payments have been released to all the beneficiaries only through the accounts maintained by them, and there is no evidence that the A.O. has misappropriated the amounts. But it is guilty on his part that, he has released the payments, before the recommendations of the M.H.O. and without any observations of the authenticity of the houses and only payments made by his predecessor. Therefore, the punishment of removal from service is very harsh and highly disproportionate.

4. Now, in exercise of the powers conferred under rule-40 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, Government here by modify the punishment of removal from service besides recovery of Rs.49,620/- with 12% interest per annum on Sri G.V.Ranga Rao, former Assistant Engineer, awarded by the Managing Director, A.P. State Housing Corporation Limited, Hyderabad to that of stoppage of two increments without cumulative effect besides recovery of Rs.49,620/- with 12% interest per annum.

5. The Managing Director, A.P. State Housing Corporation Limited, Hyderabad shall take further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.SAMUEL
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri G.V.Ranga Rao, Asst. Engineer (Removed),
Through: The M.D., A.P.S.H.C.L., Hyderabad.
The Managing Director, A.P. State Housing Corporation Limited, Hyderabad.
Sf/sc.

//FORWARDED::BY ORDER//

SECTION OFFICER